

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT**Remarks**

The Office Action mailed January 11, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-22 are now pending in this application, of which claim 1 has been amended. It is respectfully submitted that the pending claims define allowable subject matter.

The rejection of claims 1-5, 7, 8, and 10-16 under 35 U.S.C. § 103(a) as being anticipated by Maue et al. (U.S. Patent No. 5,995,380) in view of Cornell et al. (U.S. Patent No. 6,424,520) and further in view of Risko (U.S. Patent No. 5,386,084) is respectfully traversed.

Applicants note the following with respect to the law of obviousness. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). "It is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). See also, Smithkline Diagnostics, Inc. v. Helena Laboratories, Corp., 8 USPQ2d 1468, 1475 (Fed. Cir. 1988) ("claims, entire prior art, and prior art patents must be read 'as a whole'"). If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990).

In light of the above standard of obviousness, it is respectfully submitted that the cited art, for the reasons set forth below, does not support the present rejection of the claims.

The Office Action concedes that Maue et al. does not disclose an insulative fuse door sealingly engaged to a second surface of a housing and positionable with respect to the housing to provide access to a fuse from an exterior of the housing. The Office Action cites Cornell et al.

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

as disclosing a fuse door (16) sealingly engaged to a surface of a housing. Risko is cited for disclosing an assembly with a door (30) providing a moisture proof barrier. Risko, however, does not cure the deficiencies of Mau et al. and Cornell et al. with respect to the present invention.

Applicants position with respect to the Maue et al. and Cornell et al. references is set forth in Applicants previous response and is maintained in response to the present rejection. As previously argued, Mau et al. relates to an electric junction box for distributing electrical power to and from wiring harness in an automotive vehicle. Such junction boxes and wire harnesses are typically located at an interior location in the vehicle that is protected from the elements, as opposed to an exterior location. Cornell et al. relates to a housing for circuit breaker and fuse panels for recreational vehicles, and describes an improved busbar that connects the circuit breakers. Applicant respectfully submits that such circuit breaker and fuse panels are generally located at a location interior to the vehicle where they are generally protected from the elements.

Risko discloses a hand-held portable electronic device that is water-tight, and accordingly includes a battery access door (30) having an elastomeric battery holder and seal (64). Risko reveals nothing more than moisture proof battery covers are known for hand held devices. Notably, Risko never mentions a fuse in relation to the device, and consequently the battery door (30) is not a fuse door per the instant invention, and the Risko disclosure as a whole bears no apparent relation to the problems addressed by the present invention. Further, neither Maue et al. nor Cornell et al., however, relate to hand held devices, devices having replaceable batteries, or devices wherein moisture issues and environmental concerns are problematic.

Thus, the combination of references relating to different types of devices (hand held device of Risko versus automotive junction boxes Maue et al. and Cornell et al.) for different operating environments (hand held outdoor use for the Risko device versus devices mounted to vehicle interiors of Maue et al. and Cornell et al.) and having different servicability needs (battery replacement for the Risko device versus fuse replacement for the Maue et al. and the Cornell et al. devices) does not appear to grounded in any actual teaching of the references themselves, bur rather appears to be an impermissible attempt to selectively apply teachings of isolated prior art patents to reconstruct the invention with hindsight using the teaching of the

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

present application as a template to piece the teachings of the references together. Applicants remind the Examiner that the motivation to combine must be found in the prior art, and in light to the above differences in the disclosures of the cited references, no perceptible motivation to combine the teaching of the cited art in the manner proposed in the Office Action is found in the teaching of the references..

Claim 1 clearly recites, among other things, "an insulative fuse door sealingly engaged to the second surface of said housing and positionable with respect to said housing to provide access to said fuse from an exterior of said housing, the fuse door providing a moisture-proof barrier when in a closed position, thereby protecting the at least one circuit board when the housing is located in an exterior location for ready serviceability of the module by replacement of the fuse." The Risko device does not disclose a fuse and the battery cover does not provide access to a fuse from an exterior of the device. Risko is therefore respectfully submitted to add nothing to the teaching of Maue et al. and Cornell et al. with respect to the present invention. None of the cited references, considered separately or in combination, disclose or suggest the fuse door sealingly engaged to housing and facilitating serviceability of the module by replacement of the fuse as recited in claim 1, in combination with the remaining recitations of the claim.

Claim 1 is therefore submitted to be patentable over Maue et al in view of Cornell et al..

Claims 2-5 and 8 depend from claim 1, and when the recitations of claims 2-5 and 8 are considered in combination with the recitations of claim 1, claims 2-5 and 8 are likewise submitted to be patentable over Maue et al. in view of Cornell et al. and Risko.

The objection to claim 4 on the ground that 0.64 GET terminal system connectors is an intended use recitation and an objectionable designation of a connector specification is respectfully traversed. The reference to 0.64 GET terminal system connectors does not denote intended use, but rather evokes specific structure of a connector configured for use with such terminal system connectors. Applicant clearly is not attempting to claim a connector specification, but rather connectors *configured to engage* 0.64 GET terminal system connectors.

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

It is respectfully submitted that claim 4 is directed to structural attributes that would be recognized and appreciated by those in the art and familiar with the applicable standard.

Additionally, nothing in the disclosure of Maue et al., Cornell et al., and Risko indicate that connectors configured to engage 0.64 GET terminal system connectors are desirable or advantageous with their respective devices.

Claim 10 recites, among other recitations, an insulative fuse door sealingly engaged to said housing beneath the connector receptacles to provide a moisture proof barrier at the exterior location, said fuse door being positionable to provide access to said fuse from an exterior of said housing.

For the reasons set forth above, the cited art is not suggestive of the fuse door recited in claim 10, together with the other recitations of the claim. The Risko battery door adds nothing to the teaching of the Maue et al. and Cornell devices, neither of which include batteries, and each of which includes fuses.

Claim 10 is therefore submitted to be patentable over Maue et al. in view of Cornell et al. and Risko.

Claims 11-16 depend from claim 1, and when the recitations of claims 11-16 are considered in combination with the recitations of claim 1, claims 11-16 are likewise submitted to be patentable over Maue et al. in view of Cornell et al. and Risko.

The objection to claim 12 is respectfully traversed for the reasons noted above with respect to claim 4.

Claim 15 recites that the fuse door comprises side walls and an exterior surface, at least a portion of said exterior surface being concave in an area spaced from said side walls. The Maue et al. cover (45) is clearly flat between the side walls thereof, and so is the Cornell et al. access patch (16). Risko does not disclose a concave exterior surface in the batter cover (30).

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claims 1-5, 7, 8, and 10-16 be withdrawn.

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

The rejection of claim 6 under 35 U.S.C. § 103(a) as being anticipated by Maue et al. in view of Cornell et al. and Risko and further in view of Jarry et al. (U.S. Patent No. 6,536,046) is respectfully traversed.

Claim 6 depends from claim 1, which for the reasons set forth above is submitted to be patentable over Maue et al. and Cornell et al. in view of Risko. Jarry et al. does not cure the deficiencies of Maue et al., Cornell et al. and Risko with respect to the invention of claim 1. More specifically, Jarry et al. does not relate to a fuse door, does not address sealing issues, and is clearly unsuitable for use in exterior locations. The Jarry et al. box (14) has a front plate (21) with a central opening (22) through which passes a part of a device mechanism. The Jarry et al. box is not moisture proof. Clearly, the opening (22) exposes the mechanism and the interior of the box, and the Jarry et al. box is therefore not suitable for exterior locations subject to the elements.

Claim 1 is therefore submitted to be patentable over Maue et al. in view of Cornell et al. and Risko and further in view of Jarry et al. because none of the references disclose sealed structures with fuse doors, nor do the references suggest that moisture issues would render sealing of devices having fuses desirable. When the recitations of claim 6 are considered in combination with the recitations of claim 1, claim 6 is likewise submitted to be patentable over Maue et al. in view of Jarry et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claim 6 be withdrawn.

The rejection of claim 9 under 35 U.S.C. § 103(a) as being anticipated by Maue et al. in view of Cornell et al. and Risko and further in view of De Waal (U.S. Patent No. D361,059) is respectfully traversed.

Claim 9 depends from claim 1, which for the reasons set forth above is submitted to be patentable over Maue et al. in view of Cornell et al. and Risko. De Waal. does not cure the deficiencies of Maue et al., Cornell et al. and Risko with respect to the invention of claim 1. More specifically, De Waal does not relate to a fuse door and discloses no sealing features in the outlet box cover illustrated in the Figures. Accordingly, there is no indication in the Figures that

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

the De Waal outlet box cover is suitable for exterior locations subject to the elements, and there is no apparent link between the De Waal disclosure of the outlet box cover and the electronic module of the present invention.

Claim 1 is therefore submitted to be patentable over Maue et al. in view of Cornell et al. and Risko and further in view of De Waal because neither of the references disclose sealed structures with fuse doors, nor do the references suggest that moisture issues would render sealing of the devices desirable. When the recitations of claim 9 are considered in combination with the recitations of claim 1, claim 6 is likewise submitted to be patentable over Maue et al. in view of De Waal.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claim 9 be withdrawn.

The rejection of claims 17-22 under 35 U.S.C. § 103(a) as being unpatentable over Maue et al. in view of Cornell et al. and Risko and further in view of Saka et al. (U.S. Patent No. 5,532,431) is respectfully traversed.

Claims 17-18 depend from claim 10 that is submitted to be patentable over Maue et al. in view of Cornell et al. and Risko for the reasons set forth above. Saka et al. does not cure the deficiencies of Maue et al., Cornell et al. and Risko with respect to the invention of claim 1. Specifically, Saka et al. disclose a sealed connector box, but do not disclose a fuse door sealingly engaged to a housing. Applicants note that the housing and the fuse door are separately recited in claim 10, and none of the cited references (Maue et al., Cornell et al., Risko or Saka et al.) disclose structures having a housing *and* a fuse door, together with the other recitations of claim 10.

Claim 10 is therefore submitted to be patentable over Maue et al. in view of Cornell et al. and Risko and further in view of Saka et al. because none of the references disclose a fuse door sealingly engaged to a housing as claim 10 recites. When the recitations of claims 17-18 are considered in combination with the recitations of claim 10, claims 17-18 are likewise submitted to be patentable over Maue et al. in view of Cornell et al. and further in view of Saka et al.

VIA FACSIMILE TRANSMISSION: 571-273-8300

TYCO 18104 (AT 20958-62)
PATENT

Claim 19 likewise recites, among other recitations, a housing having a cover portion and "an insulative fuse door removably engaged to a lower surface of said cover portion, said fuse door having a seal providing a moisture proof barrier when said fuse door is attached to said housing." Maue et al. in view of Cornell et al. and Risko and further in view of Saka et al. fail to disclose structures having a housing *and* a fuse door, together with the other recitations of claim 19. Thus, the references collectively fail to teach at least a fuse door having a seal providing a moisture proof barrier as claim 19 recites.

Claim 19 is therefore submitted to be patentable over Maue et al. in view of Cornell et al. and Risko and further in view of Saka et al. When the recitations of claims 20-22 are considered in combination with the recitations of claim 10, claims 17-18 are likewise submitted to be patentable over Maue et al. in view of Cornell et al. and further in view of Saka et al.

The objection to claim 20 is traversed for the reasons set forth above with respect to claims 4 and 12.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claims 17-22 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Bruce T. Atkins
Registration No. 43,476
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070